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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 243/2023**

MS. VASHIMA CHOPRA

..... Petitioner

Through: **Mr. Amar Chauhan, Adv.**

versus

STATE & ANR.

..... Respondents

Through: **Ms. Rupali Bandhopadya, ASC for the State with Mr. Akshay Kumar and Mr. Abhijeet Kumar, Advs. with SI Akshay Tyagi, PS Nabi Karim.**

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Date of Decision: 27th January, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 2217/2023 (Exemption)

Exemption is allowed subject to all just exceptions.

W.P.(CRL) 243/2023

1. The present petition has been filed seeking quashing of FIR No. 340/2018 registered at PS Karol Bagh was lodged on the statement of Md. Nizam under Section 279/337 IPC wherein it was alleged that on 20.07.2018 at around 6 p.m. he was hit by a vehicle from the back side, by the petitioner.
2. Pursuant to the investigation, the charge sheet was filed under section 279/338 IPC. However, the matter was referred to the Delhi Mediation Centre, Tis Hazari Courts and on 18.02.2020 both the parties have settled the matter on following terms and conditions:

“1. That the parties do not want to contest the criminal case in Court on its merits. Taking into account the injuries suffered by the complainant, the accused has undertaken to pay a total sum of Rs. 40,000/- (Rupees forty thousand only) to the complainant / injured in full & final settlement of this case. The complainant/ injured has accepted the proposal of accused.

2. That the accused proposes to approach the Hon’ble High Court urging for quashing of the case u/s 279 IPC within this month itself. The complainant / injured shall be duty bound to co-operate in his endeavor by swearing affidavit, appearing before Court, making statement etc. The accused has undertaken to pay the settlement amount to the complainant/ injured before Hon’ble High Court at the time of making his statement, by way of Demand Draft/ Pay Order drawn in his favour.

3. That on payment of the settlement amount the case u/s 338 IPC shall stand compromised between the parties. The Ld. Referral Court may then dispose it off as having been mutually compounded, by according requisite permission.

4. On compliance of the above terms, superdary of car of the accused, may be discharged by the court and documents, if any, retained in court, may be released to her. ”

3. The injured is present in person and states that he has entered into settlement amicably and voluntarily without any fear, force and coercion.
4. Learned counsel for the petitioner submits that the injured has also received an award of Rs.83,000/- from the Tribunal.
5. Learned Additional Standing Counsel submits that injured had suffered grievous injuries in this case.
6. IO has duly identified the injured persons as well as petitioner.
7. The High Court is the highest court of the State and is conferred with the power of control and superintendence over all courts subordinate to it. Besides Articles 226 and 227, Section 482 CrPC also acknowledges the inherent power of the high court to secure the ends of justice. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.
8. It has been repeatedly held by the Hon'ble Supreme Court and this court that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a

criminal prosecution to continue, the court may while taking into consideration the special facts of a case quash the proceedings.

9. This court considers that there would be no purpose of continuing with the trial as the parties have reached on a settlement and have decided to give quietus to the proceedings.

10. Taking into account the totality of facts and circumstances, the case FIR No. 340/2018 registered at PS Karol Bagh under Section 279/337 IPC and all the proceedings emanating therefrom are quashed.

11. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 27, 2023

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